

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Chad Nicholas Nelson,

Case No. 23-cv-2029 (PJS/TNL)

Plaintiff,

v.

**ORDER**

Paul Schnell; Jesse Pugh; Josh Barnes;  
“Bongaarts”; “Hoffer”; Guy Bosch;  
D.O.C. Central Office; “Property, Segre-  
gation, Discipline C.O.’s”; “Property, Seg-  
regation”; Gene Olson; and “Martin”;

Defendants.

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This matter is before the Court on Plaintiff Chad Nicholas Nelson’s (1) Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2 (“IFP Application”)]; (2) letter received by the Court on July 31, 2023 [ECF No. 4 (“Copies Request”)]; and (3) Motion to Substitute Parties [ECF No. 8 (“Substitution Motion”)]. For the following reasons, the Court grants the IFP Application and grants both the Copies Request and the Substitution Motion in part.

The Court presently awaits Nelson’s amended complaint in this action, which is currently due on January 31, 2024. [See, e.g., ECF No. 14 at 4–5; ECF No. 19 at 3.] In the meantime, however, this action’s docket features three pending motions that the Court can resolve while waiting. The first is the IFP Application, which seeks the Court’s permission for Nelson to proceed *in forma pauperis* in this action. [See IFP Appl. 1.] Review of the IFP Application indicates that, as a financial matter, Nelson qualifies for IFP status.

The Court therefore grants the IFP Application. However, the Court will wait to enter any service-related orders until the Court gets Nelson’s amended complaint; once the Court receives that filing, it will perform review as appropriate under 28 U.S.C. §§ 1915 and 1915A and issue a service-related order if necessary.

The second pending motion that the Court can resolve is the Copies Request, which the Court received on July 31, 2023. [See Docket.] This filing states that Nelson “needs copies of everything that has been filed” in several actions, including this one. [Copies Mot. 1.] He also asks the Court to “consider putting copy costs added to the case filing costs.” [Id. (errors in original).] It is unclear whether Nelson still needs this relief: the Copies Motion was apparently motivated by difficulties that Nelson was having with staff at the Minnesota Correctional Facility in Rush City, Minnesota (“MCF–Rush City”), but he is no longer incarcerated there. [See *id.* at 1; see also, e.g., Minn. Dep’t of Corrs., Inmate Locator, available at <https://coms.doc.state.mn.us/PublicViewer> (indicating that Nelson is presently on supervised release (last accessed Jan. 23, 2024)).] Even if he does still need the copies, however, “[a]n IFP litigant is not entitled to free copies of documents that he submitted to the Court.” *Duwenhoegger v. Miles*, No. 17-CV-1432 (PJS/TNL), 2017 WL 2799155, at \*1 (D. Minn. June 28, 2017) (citing cases). The bulk of the materials in this action’s docket were filed by Nelson himself, so the Court will not send him free copies of those materials. The Court will, however, order the Clerk of Court to send Nelson copies of those materials in this action’s docket that he did not file. Other than this limited relief, the Court denies the Copies Request.

Lastly, the Court turns to the Substitution Motion. Received by the Court on August 28, 2023, this filing asks the Court to let Nelson replace Defendant Jesse Pugh as a defendant in this action, because he is apparently no longer the warden of MCF–Rush City. [See Substitution Mot. 1.] When Nelson submits his amended complaint, he can certainly name the new warden as a defendant if he believes that would be justified; to that extent, then, the Court grants the Substitution Motion. To the extent Nelson requests anything else with the Substitution Motion, the Court denies it.

### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff Chad Nicholas Nelson’s Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] is **GRANTED**.
2. Nelson’s letter received by the Court on July 31, 2023 [ECF No. 4] is **GRANTED** in part. The Clerk of Court is ordered to send Nelson copies of ECF Nos. 3, 6, 14, 16, and 19. The requests in Nelson’s letter are otherwise **DENIED**.
3. Nelson’s Motion to Substitute Parties [ECF No. 8] is **GRANTED** in part and **DENIED** in part, as discussed above.

Dated: January 24, 2024

s/ Tony N. Leung  
 Tony N. Leung  
 United States Magistrate Judge  
 District of Minnesota

*Nelson v. Schnell et al.*  
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